THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 25482 of 2007

30-11-2007

Between:

Mrs. Zareen Sultana

Petitioner

And

Greater Hyderabad Municipal Corporation,
Rep., by its Commissioner,
Having its Office at Tank Bund, Hyderabad and others.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 25482 of 2007

Oral Order:

There are title disputes between the petitioner and the fourth respondent in respect of the property bearing Municipal No.11-4-717; 11-4-717/1 and 11-4-717/2 ad-measuring 475 square yards situate opposite Niloufer Government Hospital, Bazar Ghat, Hyderabad. With regard to the disputes in respect of the above properties, the petitioner has already instituted a suit for injunction against the fourth respondent by way of O.S.No.3317 of

2007 on the file of learned III-Junior Civil Judge, City Civil Court, Hyderabad. It would appear that the fourth respondent had also filed a suit in O.S.No. 1429 of 2007 against the petitioner's husband in the same Court and obtained an *ex-parte* order against the defendants therein under the colour of which the fourth respondent is alleged to be proceeding with illegal constructions over the property.

In this writ petition, it is alleged that the petitioner's father-in-law obtained a building permission in 2002 and under the guise of the said permission the fourth respondent without any authority or title is proceeding with the construction.

Having regard to the fact that essentially dispute as to the title between the petitioner and the fourth respondent is involved in the writ petition and the petitioner has already instituted O.S.No. 3317 of 2007 before the civil Court, the petitioner should pursue her remedies against the alleged illegal constructions by the fourth respondent, also in the civil proceedings already instituted or by way of a separate proceeding. The allegation that the fourth respondent is involved in illegal constructions on the basis of an inoperative building permission, ought not to be adjudicated in this writ petition as that issue is the integrally connected with the property dispute between the petitioner and the fourth respondent.

On the aforesaid analysis, the writ petition is

dismissed with liberty granted to the petitioner to pursue appropriate remedies before the civil Court of competent jurisdiction, either in the pending suits or in any other proceedings. No costs.

GODA RAGHURAM, J

Dated: 30-11-2007
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